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10 Attorneys for Plaintiff
11 TREASURE ISLAND MEDIA, INC.

12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**
16

17 TREASURE ISLAND MEDIA, INC.,
18 a California corporation,

19 Plaintiff,

20 v.

21 JEFFREY R. SMITH, an individual,

22 Defendant.

Case No. C 14-01007 EDL

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION TO
TRANSFER VENUE**

Hearing Date: June 3, 2014
Time: 9:00 a.m.
Courtroom: E, 15th Floor
Judge: Hon. Elizabeth D. Laporte

REQUEST FOR JUDICIAL NOTICE

Pursuant to Rule 201(b) of the Federal Rules of Evidence, Plaintiff Treasure Island Media, Inc. (“Plaintiff” or “TIM”) hereby requests that the Court take judicial notice of the document attached as Exhibit A, which is Certificate of Registration No. 4,496,999 issued by the U.S. Patent & Trademark Office (“USPTO”) for the service mark MITCH MASON in International Class 41. This request is made in connection with TIM’s opposition to Defendant’s motion to transfer venue.

A court may take judicial notice of facts that are not subject to reasonable dispute because they are either generally known or capable of accurate and ready determination. Fed. R. Evid. 201(b). Here, Exhibit A is subject to judicial notice because records and reports of administrative bodies are judicially noticeable. *Interstate Natural Gas Co. v. Southern California Gas Co.*, 209 F.2d 380, 385 (9th Cir. Cal. 1953). Specifically, courts may take judicial notice of U.S. trademark registrations and administrative actions of the USPTO. *Metro Pub. v. San Jose Mercury News*, 987 F.2d 637, 641 (9th Cir. Cal. 1993) (stating that trademark registrations on the principal register fall within the category of evidence that is judicially noticeable under Federal Rules of Evidence 201(b)(2)); *Humboldt Wholesale, Inc. v. Humboldt Nation Distrib., LLC*, 2011 U.S. Dist. LEXIS 141293, *1, 3 (N.D. Cal. Dec. 8, 2011) (taking judicial notice of U.S. trademark registrations and USPTO office action); *Green Prods. Co. v. Black Flag Brands LLC*, 2010 U.S. Dist. LEXIS 109592, *1, 3 (N.D. Cal. 2010) (taking judicial notice of U.S. trademark registration and corresponding administrative record).

Accordingly, Plaintiff respectfully requests that this Court take judicial notice of Exhibit A.

Dated: April 29, 2014

Respectfully submitted,

HARVEY SISKIND LLP
IAN K. BOYD
DONALD A. THOMPSON

By: /s/ Ian K. Boyd

Attorneys for Plaintiff
TREASURE ISLAND MEDIA, INC.

Exhibit A

United States of America

United States Patent and Trademark Office

MITCH MASON

Reg. No. 4,496,999

Registered Mar. 18, 2014

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

TREASURE ISLAND MEDIA, INC. (CALIFORNIA CORPORATION)
2261-R MARKET STREET, #435
SAN FRANCISCO, CA 94114

FOR: PROVIDING ONLINE JOURNALS, NAMELY, BLOGS IN THE FIELD OF ADULT ENTERTAINMENT, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2012; IN COMMERCE 1-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE NAME "MITCH MASON" DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SER. NO. 85-826,306, FILED 1-17-2013.

JEFF DEFORD, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office